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Docket NCR-11453

REMARKS

Reconsideration of the above identified application is respectfully requested.

In response to the 4/19/06 office action, the undersigned attorney conducted a phone interview with the examiner on 5/22/06 to discuss the new rejections over the new references Lane and Smith. No agreement was reached.

However, the offset configurations recited in claims 2 & 19 were discussed, along with the examiner's interpretation of Lane to include the gum area 11 offset from the leading and trailing edges of the roll.

Since, the column of adhesive in Applicants' label roll is offset laterally in accordance with para. 34 for the many benefits presented in the specification, claims 2, 19, and 31 have been correspondingly amended to emphasize the lateral location of the column to further distinguish over the applied references, and the examiner's interpretation of the leading and trailing edges in Lane.

And, claim 1 has been amended to emphasize that the adhesive is isolated on only one side of the back surface as disclosed at para. 34 and shown in figure 4, for example.

The possibility of these amendments was discussed with the examiner, and now presented for further evaluation on the merits.

Applicants traverse the rejection of claims 1, 2, 4-6, 9-11, 16, 19, 23, 27, 28, and 31 under Section 102(b) over Lane.

As indicated above, claims 2 & 19 recite the patches being closer to one edge of the web than the opposite edge.

This is in contrast with Lane in which the gum area 11 appears centered in the roll; and the examiner's interpretation of leading and trailing edges lacks specific evidence thereof within the four corners of this reference.

The examiner's contentions regarding claims 9-11, 27, and

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28 are unsupported by Lane which discloses square gum areas 11 having equal longitudinal and transverse dimensions.

In view of these remarks, and the latest amendments to the claims, withdrawal of the rejection of claims 1, 2, 4-6, 9-11, 16, 19, 23, 27, 28 and 31 under Section 102(b) over Lane is warranted and is requested.

Applicants traverse the rejection of claims 1-8, 12-15, and 17-29 under Section 103(a) over Smith and Lane.

Many of the examiner's contentions regarding Smith are unsupported by any evidence therein.

Most significantly, is the basic failure of Smith to disclose or suggest a plurality of discrete adhesive patches arranged in a column.

The adhesive is introduced at col. 3, line 56; and is applied in narrow strips 34,35 "preferably substantially continuous strips."

Although at col. 3, ll. 66+, Smith states that "other patterns can be applied ... or discontinuous depending upon the particular type of adhesive ...," there is no figure of such other patterns, no description thereof, and no teaching of any pattern relevant to the specific adhesive columns recited in Applicants' claims, or relevant to the disparate configuration of Lane.

Indeed, the examiner cites "Figure 3" of Smith for the adhesive configurations, but that figure does not show the adhesive 34,35, but instead shows the silicone patterns 27,28.

Furthermore, the examiner admits the fundamental shortcoming of Smith which "fails to disclose the patches being aligned along one edge of said web and closer thereto than an opposite edge ...," along with other shortcomings.

The examiner attempts to combine Lane, but fails to establish any structural similarity with Smith to begin with, and then presents the conclusory statement of "for the purpose," which is not the legal motivation mandated by the MPEP ch. 2100,

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nor based on evidence, nor based on evaluating the claims and references in the whole.

The examiner cites "Page 3, Column 1, lines 15-20" of Lane for the cutting "purpose," but overlooks that this teaching applies to the figure 4 embodiment of Lane for stacked sheets, which are different than the roll embodiment of figures 1-3, first applied by the examiner, and which stacked sheets are fundamentally different than the disparate roll configuration of Smith.

The examiner's "obvious" contention is classic hindsight reconstruction without regard to the express claim language and without regard to the whole of the claims and two references being applied. It is a mere conclusion divorced from context.

Furthermore, the examiner compounds the errors of rejection in the paragraph at the bottom of page 6. All of the species being addressed by the examiner have been clearly overlooked by the examiner, as based on the mere contention that "the application does not indicate any new, significant attributes ...."

The specification is replete with benefits attributable to the recited columnar adhesive label including, for example, para 35.

Para. 37 introduces the oval patches, and para. 38 presents the particular advantages thereof.

And, the following paragraphs disclose the additional claimed species, and their advantages and benefits, summarized, yet again, at paras. 49 & 50.

The examiner's failure to consider those claims and their features in the whole is an admission undermining any attempt to support the rejection thereof under Section 103.

The examiner's attempt to cite Seid and Dailey from MPEP 2144.04 fails to comply with the basic requirements of case law precedent.

The examiner has failed to establish any factual similarity

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or nexus for applying these cases.

The examiner's initial need to combine two different references, Smith and Lane, is evidence against the use of these two cases which address the mere change of shape or ornamental features without mechanical function.

The examiner's general statement that "Smith teaches a variety of shapes ..." fails to consider those "shapes" in the whole, or present any basis under Section 103 to reject the specifically recited claims and combinations thereof.

The Col. 3-4 reference by the examiner deals solely with continuous or other patterns having no functional nexus identified by the examiner (See Seid, cited by the examiner).

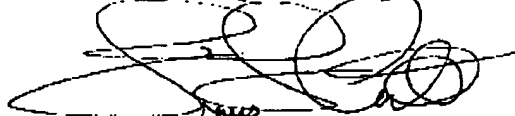
The Col. 3, ll. 42-46, reference by the examiner applies to the silicone patterns 27,28; and not the continuous adhesive.

The examiner has failed to show how the "discontinuous strips, dots, a series of polygons, or a wide variety of other patterns" of Smith are in any way relevant to Applicants' claims being rejected, or to the disparate configuration of Lane.

Nevertheless, in view of these basic remarks and the amendments made above, withdrawal of the rejection of claims 1-8, 12-15, and 17-29 under Section 103(a) over Smith and Lane is warranted and is requested.

Since the amended claims 1-29 and 31 recite various configurations of the columnar adhesive label roll which are well distinguishable over Smith and Lane, allowance of these claims is warranted and requested.

Respectfully submitted,



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